

Applic. No.: 10/717,337  
Amdt. Dated March 27, 2006  
Reply to Office action of January 3, 2006

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-4 remain in the application. Claim 1 has been amended.

In item 7 on page 3 of the above-identified Office action, claims 1-4 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that the limitation "configuration for processing data processing processes" in line 2 and lines 4-5 of claim 1 is unclear.

The limitation "configuration for processing data processing processes" has been changed to "configuration for data processing."

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they

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narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In item 11 on page 4 of the above-mentioned Office action, claims 1-4 have been rejected as being anticipated by Salsburg (US 5,452,440) under 35 U.S.C. § 102(b).

The rejection has been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 6, line 24 to page 7, line 2 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

providing the configuration for data processing with an operating system allowing system processes to be executed with at least one system resource when an application is carried out, the system resource being a main memory;

using different access strategies with the system resource to carry out an application or execute a system process, whereby an access strategy can be leaving open banks of the main memory after a first access or closing the banks of the main memory after the first access;

after testing all of the access strategies, assigning a value corresponding to an execution speed of the application or the system processor to each of the access strategies; and

storing the value.

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Salsburg shows a method for caching of data sets stored in a memory device. Depending on a size of the cache memory and on an access rate to the stored data sets, a cache hit rate is determined for different scenarios. Locality parameters for each of the scenarios are used to calculate an analytical model for finding the best candidates, e.g. data sets, for caching.

Amended claim 1 of the instant application relates to a method for determining an optimum access strategy in a configuration for data processing. System processes can be executed with at least one system resource when an application is carried out, wherein the system resource is a main memory. Different access strategies are used with the system resource to carry out an application or execute a system process. An access strategy can be leaving open banks of the main memory after a first access or closing the banks of the main memory after the first access. After testing the access strategies, a value corresponding to the execution speed of the application or the system processor is stored.

One of the major differences between Salsburg and the invention of the instant application is the definition of access strategies and system resources. While Salsburg is

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about caching of data in a cache memory (meaning which data elements are to be cached), the invention of the instant application is about using different access strategies when executing a system process with a main memory. When accessing the main memory, the banks of the main memory can be left open after a first access or can be closed after the first access. The feature of accessing a main memory as a system resource in this manner is neither shown nor suggested by Salsburg.

Claim 1 is, therefore, believed to be patentable over Salsburg and since all of the dependent claims are dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-4 are solicited.


In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to

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the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-  
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